

**TOWN OF ESOPUS PLANNING BOARD MINUTES**  
**May 8, 2019**

**PRESENT:**           **Roxanne Pecora, Chairperson**  
                          **Fred Zimmer, Vice Chairperson**  
                          **Greg McCord**  
                          **Darin DeKoskie**

**EXCUSED:**           **Melanie Marino, Dan Michaud and Mark Anderson**

**ALSO PRESENT:**   **Alan Sorensen, Consultant, Town Board Member Gloria VanVliet**  
                                  **Town Board Member Chris Farrell – Liaison to the Planning Board**

The meeting of the Town of Esopus Planning Board was called to order at 7:30 P.M. Chairperson Pecora commenced the meeting with the Pledge of Allegiance and the emergency exit advisory.

**MINUTES:** Chairperson Pecora asked if the Board had read the minutes of the April 10, 2019 meeting and called for a Motion to approve the Minutes as presented. **Upon Motion of Member Darin Dekoskie, seconded by Member Greg McCord and the affirmative vote of all members, the motion passed 4-0.**

**VOUCHERS:**

Planning Consultant Alan Sorensen, Planit Main Street - Services provided for April 2019	\$2,300.00
Administrative Assistant, Lisa K. Mance	84.85 hours

**Chairperson Pecora called for a Motion to approve the submitted vouchers.** Upon Motion of Vice Chairman Fred Zimmer, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed with a vote of 4-0.

**PUBLIC HEARING:**

**Nichols Site Plan – Case No. 2018-16; 138 Second Street, Connelly, SBL No. 56.50-3-38**

**Chairperson Pecora called for a Motion to open the Public Hearing relative to the Nichols Site Plan/Special Use Permit.** Upon Motion of Member Darin DeKoskie, seconded by Vice Chairman Fred Zimmer and the affirmative vote of all members, the Motion passed with a vote of 4-0.

Chairperson Pecora read the content of the Public Hearing Notice for the record. Owner Nina Nichols was present.

Neighbor Michael Burns was present and expressed concern with regard to the encroachment of the garage on his property

**Chairperson Pecora called for a Motion to close the Public Hearing relative to the Nichols Site Plan/Special Use Permit.** Upon Motion of Vice Chairman Fred Zimmer, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed with a vote of 4-0.

**OLD BUSINESS:**

**Nichols Site Plan – Case No. 2018-16; 138 Second Street, Connelly, SBL No. 56.50-3-38**

It was noted that the Esopus Town Board had agreed to convey a portion of the property located on Center Street to Nina Nichols to correct the encroachment of the residential structure into the street. At their April 23, 2019 meeting, the Town Board agreed to waive the charge for a lot line adjustment application and the applicant would pay for the preparation and filing of the Lot Line Adjustment map.

Mr. Burns noted that the garage needed to be cleaned up and he was unwilling to fix up the property with the current encroachment. Ms. Nichols had provided a list of options offered to Mr. Burns and he had only recently received those options. The options provided were (1) to agree to not rebuild should the garage be taken down, (2) offer to buy tract of land from Mr. Burns or (3) rebuild the garage a foot away from Mr. Burns' property. Mr. Burns was fine with the current situation as long as Ms. Nichols agreed to take care of the unsightly vines growing up his side of the building. The Board indicated that the preparation of any agreement between Mr. Burns and Ms. Nichols and the review of same was a legally civil matter and was to be dealt with between the parties.

**Vice-Chairman Fred Zimmer motioned to approve the lot line adjustment, conditioned upon the Planning Board's approval of Lot Line Adjustment between Applicant and the Town, a reference to the ZBA variance being noted on the Site Plan, and the appropriate number of copies provide for the Planning Board to sign and circulate,** seconded by Member Greg McCord. Upon the affirmative vote of all Members, the motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

The Minutes of Town Board meeting is to be included in Planning Board file.

**Van Velson LLA – Case No. 2019-4; 113-115 Esopus Avenue, Ulster Park; SBL Nos. 63.4-7-36.110 & 38.110**

Michael Vetere, III, L.L.S. and property owners Abraham Lazala, Gary VanVelson and Shannon Conte were present. Surveyor Vetere had reconfigured the lots as discussed at the April Planning Board meeting and was able to create a more preferable lot while maintaining Code compliant setbacks and dimensions. The Board noted that the two-story garage needed to be re-labeled as a house.

**Chairperson Pecora called to waive the Public Hearing pursuant to Chapter §107-16(a) of the Code.** Upon Motion of Vice-Chairman Fred Zimmer, seconded by Member Darin DeKoskie and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

**Chairperson Pecora called to classify as a Type II action under SEQR.** Upon Motion of Vice-Chairman Fred Zimmer, seconded by Member Darin DeKoskie and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

**Chairperson Pecora called for a motion to approve the lot line adjustment conditioned upon the re-labeling of the 2 story garage to a house.** Upon Motion of Vice-Chairman Fred Zimmer, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

Mylar and 6 copies were requested to be submitted for signature.

**Staccio/Auringer LLA – Case No. 2019-5; 18 Union Center Road, Ulster Park, SBL Nos. 63.1-2-38 & 21 and 63.2-1-16**

John Gerd Heidecker, surveyor and property owner Maryanne Staccio were present.

Planner Sorensen provided a summarization of his review notes regarding the application. A question was raised as to whether the ZBA had the authority to grant the variance to allow construction of a house that did not have adequate frontage on a public road. Only the Town Board had the authority to grant an Open Development Area (ODA) when the requirements of New York State Town Law § 280-a could not be met. Planning Board Attorney Kyle Barnett was called to include in the conversation. Planner Sorensen informed Attorney Barnett as to the discussion that had transpired so far. Planner Sorensen deferred to Planning Council as to whether the ZBA had the authority to grant the 2016 approval. Initial reaction was that the ZBA didn't have the authority to issue approval. Karen Moreau, Esq. was present to represent applicant Maryanne Staccio and provided argument that she was part of the ZBA process when the variance was granted on property that was about to be conveyed to Mr. Auringer. The referral at the time was made by the Building Inspector. The point of the ZBA process was for the purchaser to be able to construct a residence on the property and Attorney Moreau believed the statutory time limits within which to challenge the ZBA determination had long since expired. Attorney Barnett recalled cases in which frontage requirements had been granted by the ZBA as part of an area and wished to investigate that case law prior to offering an opinion as to whether the ZBA overstepped their authority. He added that the second question was that, if the ZBA didn't have the authority, was the Town estopped from enforcing the Code at the present time. Attorney Moreau countered that the application currently before the Board was a lot-line revision. The applicants were willing to add a map note with regard to the ZBA variance and that any future construction would require application be made before the ZBA. The determination of Attorney Barnett was that the issue currently pending before the Planning Board was the review of the lot-line adjustment. Vice-Chairman Zimmer was concerned with the road providing access to additional lots and that it wasn't in compliance with Town Law 280-a. Member DeKoskie agreed with Vice-Chairman Zimmer that the road should be designated as a private road to take care of the existing issue and that if additional lots were developed, the road would then need to be brought up to Town Road specifications. The Planning Board explained that although a note was required on the proposed lot-line adjustment maps referencing the ZBA decision, the language needed to be corrected.

Attorney Moreau requested that the matter be moved forward to a public hearing. The Planning Board explained that lot line adjustments were Type II actions under SEQOR and that the public hearing could be waived upon submission of a written request submitted by the Applicant. John Heidecker provided said written request to the Board for the file.

**Chairperson Pecora called for a motion to waive the Public Hearing pursuant to Chapter §107-16(a) of the Code.** Upon Motion of Member Darin DeKoskie, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

**Chairperson Pecora called for a Motion to classify as a Type II action under SEQR.** Upon Motion of Member Darin DeKoskie, seconded by Vice-Chairman Fred Zimmer and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

**Chairperson Pecora called for a motion to approve the lot line adjustment conditioned upon providing the metes and bounds of the right of way, full property metes and bounds of the properties involved in the proposed lot line adjustment, designation of the access as a private road, revision to the map note regarding the ZBA decision to include the ZBA case number 12-15-15-01 and delete portion of map note that states “the ZBA also stipulated that the construction of any additional homes requiring access via right of way would require the property owner to return to the ZBA for approval” and submission of a mylar and six (6) copies for signature.** Upon Motion of Member Darin DeKoskie, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed 4-0 by the following vote:

Roxanne Pecora	Aye
Fred Zimmer	Aye
Mark Anderson	Excused
Dan Michaud	Excused
Darin DeKoskie	Aye
Greg McCord	Aye
Melanie Marino	Excused

**ZBA REFERRALS**

There were no referrals from the ZBA for this month.

**MISCELLANEOUS:**

Chairperson Pecora stated that Star Estates had provided an operational traffic plan and was working with the Department of Transportation. Secretary was directed to draft letter to Paul Ceres in response to the information he had provided.

**PLANNING BOARD LIAISON TO BUILDING DEPARTMENT: REPORT** – Nothing to report

**Upon Motion of Member Darin DeKoskie, seconded by Vice-Chairman Fred Zimmer, and the affirmative vote of all members, the meeting was adjourned at 9:00 p.m.**

**NEXT MONTHLY MEETING: June 12, 2019**

**DEADLINE DATE: May 29, 2019**

**NEXT PRE-SUBMISSION: June 19, 2019**

Respectfully submitted:

Lisa K. Mance, Administrative Assistant

Date prepared: May 14, 2019

Date approved: June 12, 2018